

MAYOR'S COMMITTEE FOR PEOPLE WITH DISABILITIES
NOVEMBER 19, 2007

MINUTES – Meeting in Newton City Hall – Cafeteria

PRESENT: Doug Sweet (Acting Chair), Jane Brown, Lucie Chansky, Herb Cole, Jini Fairley, Linda Hiller, Jeff Hutter, Rosemary Larking, Barbara Lischinsky, Girard Plante, Heather Platt, Janna Zwerner
REGRETS: Rob Caruso, Jason Rosenberg,
STAFF: Beverly Droz, Lowell Haynes
GUESTS: John D. Lojek & Michael Yanovitch – Inspectional Services Department

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The meeting was called to order at 6:45 pm and was chaired by Douglas Sweet, Acting Chair.
The guests were welcomed.

The minutes of the 10/15/07 meeting were accepted with the addition in the discussion of St. Ignatius of what they had accomplished indoors: places in the sanctuary for wheelchairs and renovated bathrooms. Also they have a ramp on the BC side of the building and have made the Commonwealth Ave. entrance flush with the sidewalk so that both entrances are accessible.

Department of Inspectional Services

We welcomed John Lojek and Michael Yanovitch from the Inspectional Services Department (ISD). Michael Yanovitch is new to the department and was hired in early July as Code Enforcement Officer for issues of zoning, building code and AAB.

Lojek stated all builders should be aware of AAB but as we know there are problems. Michael Yanovitch is serving as a catch-all at the moment because of the backlog. Lojek reported the department tries to approach people and businesses owners in a positive manner explaining why it is beneficial for them to comply. There was a huge backlog when Lojek arrived 2 ½ years ago. They chipped away at this load but have made more progress since Michael has arrived.

Yanovitch said he was from the City of Boston where they had a large share of access problems. He worked with George Kincaid there and he had to deal with AAB issues on a daily basis. He has also served as building inspector for the town of Hingham. He is a construction supervisor. The Inspectional Service Department does and will enforce any violations. Anything we have, we can send to him. He will be the point man in the Inspectional Service Department for these issues.

Lojek reported that ISD has no ADA authority but they want to be knowledgeable. Most of their training is related to AAB. He has been in touch with Tom Harkins regarding several trainings. One will be for any employees with any connection to AAB issues. MCPD members will be invited to the training.

He also said that a second training will be for anyone with enforcement responsibilities such as inspectors in his office or within other departments like health, schools, and public buildings. They will also invite surrounding city staff. Trainings will take place early in the new year. The Mayor is 100% behind this.

Doug stated that he and Bev had attended a meeting on 10/16/07 regarding architectural access issues with Lojek, Mike Kruse (Planning & Development), housing staff Trish Guditz and Margaret Siciliano, Fair Housing Task Force leaders Henry Korman and Phil Herr. Public buildings do not pull permits with ISD so ISD does not oversee the access issues with municipal buildings. The trainings will be helpful because

architectural access issues reside in various departments. The vast majority of buildings are commercial and residential so those do go before ISD.

John Lojek stated that if MCPD is certain of violations they should give the information to Bev who will email it to Michael Yanovitch and he'll check it out. The Inspectional Service Department is backlogged so please be sure that any submittals are truly violations. They can only enforce it if they've seen renovations. If it is a building code violation but done with permits there is probably a 7-10 year limit. If the project didn't get permits, they can pursue the issues. There are jurisdiction rules on this topic.

Doug brought up Paddy's Restaurant in W. Newton. Lowell said that the background was that we understood they were told that if they touched the front door, they'd have to comply with all AAB regulations. Paddy's renovated the inside. Lojek said that what inspectors say to owners can be misconstrued. Owners have a right to ask questions and know the rules. Lojek has reviewed the Paddy's property and knows that it is old and difficult. He has told them that they are losing business because they are not welcoming to people with disabilities. There was some discussion of what Paddy's could do to renovate. The front entrance remains a structural issue.

Lucie said that when the Avalon on Needham St opened they did a site visit. There was a sliding door track that was too high. At a recent site visit at Arborpoint they found the same thing. Lojek said if we let them know he'll send an inspector. There were other various items brought up about Arborpoint such a washer/dryer unit that is too high to reach. Barbara brought up her thermostat at Arborpoint and the problems she is having getting to them to get one she can use. Some things will be within ISD's jurisdiction and others are not. Girard mentioned his experience in applying to live at Arborpoint. Lojek would like to see every development project have an AAB consultant as a condition of their permit with an affidavit that ISD can then check on.

Lojek stated that he's talked to the planning department and the legal department about boilerplate language, and to suggest any and all projects needing permits be required to have an AAB consultant. ISD does not have time for those reviews. ISD has to go by what it receives.

Lowell asked about the HP spaces with stores like CVS in West Newton that had renovations. Lojek said to let Mike know. The fines are quite substantial. Since his tenure here, he has been going after some businesses to point out the size of their fines. He doesn't expect to collect it all but once the businesses have to pay some they are motivated to proceed to make necessary changes.

There was a discussion about process. The city has no standing to file a suit. It has to be a case of a person who has suffered damages, and then they would have to file with the justice department. Lojek said these are important issues. It is the law. He and Mike will come back any time the MCPD wants them to.

The Committee thanked John Lojek and Michael Yanovitch for their time and information they provided.

OTHER BUSINESS:

Sol Tan at 1275 Washington Street:

Rosemary reported that there is a 1 inch wooden threshold like there was at Unique Nails, that she can't get over with her wheel chair. Doug will write a letter.

Starbucks on Union Street

Rosemary reported that there is an electric door opener on the inside to get out but no opener on the outside to get in. Heather said they'll be closing that Starbucks and opening another one on the corner of Centre and Beacon Street. Doug will write a letter.

Warren House:

Rosemary reported that there is one bench outside. When she and her husband take a walk, there is no other place to sit down and rest. There is also the issue of people sitting on the one bench smoking. There should be a bench near the bus stop. The MBTA should put one there. Doug asked Lowell if we could spend money for a bench at the location. Lowell said we could spend it conjunction with a non-profit. We do have money that could be committed. NCDF would need to apply to the MCPD via Lowell for bench money.

Rosemary also brought up that the APS crosswalk button at their crosswalk in front of Warren House is unusable to her. There is no audible signal at the crossing nor a curb cut on the other side. She ends up in someone's driveway whenever she crosses the street. Additionally the time to cross the street is too short. Rosemary also brought up that the Concord and Washington Street button is too high. Lowell will check it out.

Beacon and Centre Street

Heather mentioned that Clint Schuckel has taken care of the light at this crossing.

Walgreen's in Newton Centre

Barbara brought up that the issue of Walgreen's. She recalls that we were going to write a letter to them last summer but it has not been done. The problems still exist. Rob was going to revisit and inquire. We should check with him. Doug will write a letter.

Election polls – new accessible equipment

Doug brought up his experience at the polls. Bev reported that all 31 polling sites have the new Automark machines. Each polling site is handicap accessible. These machines are designed for people with visual and dexterity disabilities. All polling staff have been trained and know how to use the machine. Jini used the new software where she voted. There was a discussion about the situations and training - or lack thereof - of poll workers and the fact that residents should know that these machines are there for their use. Lowell suggested we invited the new Elections Commissioner Craig Manseau to a meeting. Doug asked Bev to invite him to the January meeting. Rosemary suggested that the city send out accessible information with the ballot information they send out.

Committee Structure & Nominations

Bev reported, as she had in a previous email sent to the Committee that Jason Rosenberg has sent in his official resignation notice as Chair. He has been chair for about 30 years, and while he has been on sabbatical from it for the past year and a half, Doug Sweet has served as acting chair.

Bev spoke to the Mayor who stated it is time to have a nomination procedure as other committees do, and he referred her to the Law Department for guidance. Nominations would be open. Members should indicate if they are interested in being chair or co-chair. They can do that privately or publicly. There maybe more than 1 person interested in serving as chair, or more that 2 people interested in serving as co-chairs. Committee members need to have a process to vote, and can decide on written or oral votes. After agreement is reached, we would send the nomination(s) to the Mayor for his approval and appointment.

Doug would like a historical list of when appointments were made to the Committee. Bev has been keeping accurate records since she became staff director but she stated that she would have to do research to determine historical data. Barbara, Jane, Janna, Jeff and Heather are all the newer members.

Rosemary nominated Linda Hiller. Linda said that she may be moving. Herb suggested that people just indicate if they are interested in the Chair position. There were many questions from the Committee about what are the parameters and responsibilities of the chairperson role. Girard brought up that Jason was our

leader for 30 years. He is a Newton resident and knows the community well and has been very influential. Girard suggested that whoever is chair should have a strong sense of the community we live in.

Lucie will go on line to find out the Guidelines in the state code for local disabilities commissions. Lucie suggested a nominating committee. She and Barbara agreed to serve on it and to contact members with the information. Lowell added that we've had standing committees before to work on certain issues.

There was a discussion about our current structure and voting. Bev said she was told by Doug or Jason that there are 9 committee members and newer members are alternates or advisory. Bev described that for the Commissions she staffs, each has 9 Commissioners and an Advisory Council. When they meet, they all vote on items. The Commissioners could determine that they want a special vote of Commissioners only, but in the two and a half years of staffing, neither have ever had a vote of the Commissioners only. They vote jointly. The MCPD probably started with 9 members to be in-line with a Commission structure.

There was brief discussion as to why the MCPD has never become a Commission. Bev will check back with the Law Department and bring more information to the Committee. While we are a Committee, we need to have basic policies on the number and length of terms, membership and structure.

Report on the meeting with Department of Public Works

On November 13, Doug, Rob, Herb, Heather, Bev and Lowell met with Acting Commissioner David Turocy, Steve Tocci and Clint Schuckel to discuss issues of both audible pedestrian signals and snow removal.

Lowell reported on the snow removal. He said there are fewer city operators as the City has gone to a contractors system. While they provide education to the contractors to plow away from curb cuts and they are told this information is given to workers plowing snow, these drivers don't always follow the instructions. Doug said it is a long slow process and we keep chipping away with them.

Heather said the 3 main APS signals we want would cost \$1400. Heather thinks the signals should be concurrent signals at Commonwealth Ave and Washington St. Beacon and Centre Streets has all stops. There should be one or the other, but if both were at 1 location it would be confusing. Lowell asked Heather if he could get her to attend a meeting with VHB who is the engineering firm that is doing the consulting on this project.

Doug's impression is that the MCPD would be willing to pay for the hardware and the curb-cuts, and he felt they do have budget problems, but we all made progress. Bev will email her notes from the meeting with the DPW to the group.

Newton History Museum

Bev had emailed the letter from the Newton History Museum about their proposed renovations:

"In order to maximize the layout of compact shelving we must move the HVAC system, which presents us with a welcome opportunity to improve the area housing our handicap entrance and lift. At present, the accessible entrance is open to the weather and becomes a catchall for trash. By enclosing this area, we can use one end to house the HVAC system while creating a clean, well-lighted and more welcoming entrance for those needing to use the lift."

The Newton History Museum at the Jackson Homestead was listed on the NR (1978) and has been designated as a local Landmark. Remodeling of the library and storage area in the wing conform to and meet the U.S. Secretary of the Interior's guidelines for the Treatment of Historic Properties, which include improvements to comply with ADA access codes.

MCPD voted to write a letter of support of their efforts and Doug will write it.

CDBG ACCESS PROJECTS REPORT for November by Lowell

This report was submitted to MCPD by email before this meeting for their review. Per usual it is copied here within the minutes. In these minutes, any additional comments follow the report.

○ Accessible Pedestrian Signals (Project CD0703C. Expended, \$25,015; Budget balance: \$19,813) – The Committee has requested the installation of APS-10 audible pedestrian signals at the intersections of Walnut and Cabot, Beacon and Chestnut, and Adams and Watertown. Estimated hardware costs for each of these three intersections is \$1,400. Regarding the intersection of Centre St. and Centre Ave., we are hoping to pool our CDBG access funds with the Newton Corner CDBG neighborhood funds to improve the pedestrian crossings at this intersection. The neighborhood advisory committee will hire an engineering firm to recommend specific improvements. Our hope is to initiate independent crossing signals for the two streets, straighten the crosswalk across Centre St., and move the vehicle stop line before the crosswalk. The intersection would be best served by Polara Navigator signals because of ambient sound control and beaconing capabilities. Concerning the Washington St. and Commonwealth Ave. intersection, the Board of Aldermen has asked for design recommendations from a consultant, VHB Engineering. The intersection will be improved using \$90,000 contributed by National Development and Newton-Wellesley Hospital. The project should include accessible pedestrian signals.

The Accessible Pedestrian Signals project is currently inactive. The Department of Public Works says that they have insufficient funds to pay for installation costs in the coming year. (Expected Date of Completion: none.)

○ Wellington Park Access (Project CD0303C. Expended, \$0; Committed, \$10,000; Budget balance, \$0) – This project is a joint project using CDBG funds and Community Preservation Act (CPA) funds. The CDBG portion of the project is almost complete. It consists of an asphalt walkway providing an accessible route from the park entrance on Kilburn Street, past the basketball and tennis courts, then to the park entrance on Princess Road. The part of our project that remains unfinished is the construction of the area where two benches will be installed. *The CPA portion of the work was delayed because of disagreement among residents regarding the location of additional walkways in the park. (EDC: November 2007)*

○ Benches (Project CD0403C. Expended, \$0; Budget balance, \$3,000) – *No change*. The current budget will be limited to installation of benches at Wellington Park when our construction of walkways in the park is completed. (EDC: October 2007)

○ Curb Cuts (Project CD0803G. Expended, \$0; Committed, \$155,000; Budget Balance: \$2,829) – The Dept. of Public Works is moving ahead on this project with a crew that will be concentrating on CDBG projects, primarily curb cuts. They have completed more than 20 of the 53 curb cuts on our list. Four other curb cuts are being constructed as part of a raised intersection at Woodland Road and Lake Avenue. We will contribute to the City's cost for these curb cuts. Many of our other locations are on Woodland Road from Hancock Street to Windermere Road. The curb cut at the accessible gazebo on Albemarle Road should also be completed. We also hope to construct the needed curb cuts at the intersection of Boylston St. and Hammond Pond Parkway when state approval is received. We are still expanding our list of curb cuts to be done in 2007. Mayor's Committee members are still encouraged to report priority locations for needed curb cuts. (Expected Date of Completion: None. On-going work.)

○ Public Facilities and Parks Access (Project CD0703A. Expended, \$9,168; Committed, \$30,000; Budget balance, \$28,882) – The first project completed under this budget was the construction of two sets of stairs in Burr Park by DPW and the installation of railings on all three sets of stairs in the park. *This project is now completed.*

The second project under this budget is the construction of the accessible walkway from the Mason-Rice School parking lot to the planned accessible play area within the Newton Centre Playground. The project is being managed by the Dept. of Parks and Recreation and carried out by the Dept. of Public Works. *Work has been completed on the section of the walkway from the school parking lot to the brook.* The remaining portion of the walkway beyond the brook will be completed following the installation of the new play area. There will be approximately \$29,000 remaining in this budget following the completion of the Newton Centre Playground walkway. *We can assign these remaining funds to a public facilities or parks project at any time.* There is a potential long-term request from the Dept. of Parks and Recreation for accessibility improvements at the Newton Highlands Playground and Upper Falls Playground. (EDC: none)

○ FY08 Uncommitted Funds (Project CD0803A. Expended, \$0; Committed, \$0; Budget balance, \$86,470) – *This represents funds available for project(s) to be determined.* Because of the on-going need for accessible curb cuts, this budget is a logical source for applying to future curb cut construction. *I recommend that the Committee allocate \$50,000 from this budget for additional curb cuts to be done next spring.*

DISCUSSION

Given the lateness of the evening, there were few members left so discussion was shortened. Lowell said that in addition to the \$61,470 of uncommitted funds, there is also an uncommitted balance of \$28,000 in the Parks and Recreation budget. We'll need to move soon on our decisions.

Doug would like people to be prepared at our next meeting to suggest projects that we want done. Bev will email members to be aware of this. Additionally we'll put Lowell report earlier on the December Agenda.

Motion to adjourn at 9:15pm.

The next meeting will be December 17 at 6:30pm in the cafeteria.